

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TERRY HARRIS, DOROTHY WATFORD,)
and the class of independent representatives)
in Networker 2000.com, Inc.,)
and Wealth Builders International,)
Plaintiffs,)
v.) CASE NO. 2:05cv1083-F
JOSEPH BORG, individually and in his)
capacity as Commissioner of the)
Alabama Securities Commission,)
Defendant.)

O R D E R

This action is presently before the court on defendant's Motion to Dismiss, or in the alternative, to Transfer to the U.S. District Court for the Middle District of Alabama (Doc. 3), filed on June 27, 2005, and defendant's Motion to Strike Plaintiff Harris' Response on behalf of Plaintiff Watford (Doc. 5), filed on September 20, 2005.

This case was transferred to the Middle District of Alabama on November 11, 2005, by way of Judge Putnam's Order Transferring Venue (Doc. 6). In that order, Judge Putnam stated:

A response to the motion [to dismiss] was filed purportedly by plaintiffs on July 25, 2005, but the court notes that the response was signed only by plaintiff Terry Harris. As Harris is not a member of the court's bar, he could not file the response on behalf of coplaintiff Watford, nor on behalf of the proposed class of plaintiffs. The court can treat the response only as Harris's pro se filing. To the extent it was intended to be the response of the other plaintiffs, it is STRICKEN.

Because the defendant's Motion to Dismiss was filed in the alternative, and because the case has now been transferred to the Middle District of Alabama, it is hereby ORDERED that the defendant's Motion to Dismiss, or in the alternative, to Transfer to the U.S. District Court for the Middle District of Alabama (Doc. 3), is DENIED as MOOT.

It is further ORDERED that the defendant's Motion to Strike (Doc. 5) is GRANTED.

DONE this 23rd day of December, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE